

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 618-C
Zoning Commission Case No. 95-3M/90-8M/88-23C
(PUD Modification - The Salvation Army)
February 12, 1996

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on October 12, 1995. At that hearing session, the Zoning Commission considered an application from The Salvation Army for a modification to a previously approved and modified planned unit development ("PUD"), pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on March 28, 1995, requested a modification to a previously approved PUD in Zoning Commission Case No. 88-23C (Zoning Commission Order No. 618), as modified in Zoning Commission Case No. 90-8M (Zoning Commission Order No. 618-A), which was extended by Zoning Commission Order No. 618-B for Lots 14, 19-21, 800-804, 807-810, 824, 825, 828-830 and the public alleys closed pursuant to D.C. Law 10-92 in Square 484, located on the north side of Massachusetts Avenue between 5th and 6th Streets, N.W.
2. By Zoning Commission Order No. 618 dated June 12, 1989, the Zoning Commission granted approval to construct a mixed used project on the PUD site, including a nine-story building to serve as the Divisional Headquarters of The Salvation Army, and to provide transitional housing accommodations in a dormitory-like setting for individuals in need of temporary housing. The building approved in Order No. 618 had a height of 127 feet and six inches, contained 205,785 square feet of gross floor area, (67,285 feet for office and 43,580 square feet for residential use) and a total floor area ratio (FAR) of 7.1 (3.7 office FAR and 3.1 residential FAR).
3. This project was modified by Zoning Commission Order No. 618-A, dated March 11, 1991, (Z.C. Case No. 90-8M) which approved the redesign of the approved PUD to change the transitional housing component to accommodate 36 apartment units for women and children. In addition, the modification significantly reduced the height and density of the originally approved project.

4. The modified project, pursuant to Order No. 618-A, was approved to consist of a total of 99,100 square feet of gross floor area (57,000 square feet of office use and 42,100 square feet of residential use) at a height of 78.5 feet. The FAR of the modified PUD was 3.44 (1.98 for office use and 1.46 for residential use). The maximum lot occupancy of the modification was approved at 70 percent with the provision of on-site parking on two underground levels for 89 automobiles with access from 5th Street, N.W. Trucks and service vehicles also utilized an entrance on 5th Street, N.W.
5. The PUD, as modified, was designed to continue to provide for the Divisional Headquarters of The Salvation Army and for transitional housing for women and children in an apartment-like setting.
6. The zoning at the time of the original planned unit development was HR/SP-2. The SP-2 District permits matter of right medium/high density development, including all kinds of residential uses and limited offices for nonprofit associations, trade associations and professionals permitted as special exceptions with approval of the Board of Zoning Adjustment (BZA), to a maximum height of 90 feet, a maximum FAR of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of 80 percent for residential uses.
7. The HR (hotel/residential incentive overlay) permits development incentives for residential and hotel uses, only, to a maximum FAR of 8.5 and a maximum height as permitted by the "Act to Regulate the Height of Buildings, June 1, 1910, As Amended ("1910 Height Act")." The HR District is mapped in combination with other zoning districts.
8. The current zoning of the site, as well as the zoning at the time of Zoning Commission Order 618-A, is DD/C-2-C, which was mapped on the subject property as part of the Downtown Development District on January 18, 1991. The DD/C-2-C zone district is a medium high, mixed use zone, which permits a maximum FAR of 8.0, with a requirement of 4.5 FAR for residential uses. The maximum building height for the DD/C-2-C zone district is that permitted by the 1910 Height Act, which for the subject site, is 130 feet.
9. Under the PUD Regulations, the Zoning Commission has the authority to impose development conditions, guidelines and standards which may exceed, or may be less than, the matter of right standards identified above. The Zoning Commission may also approve uses that are permitted as special exceptions by

the Board of Zoning Adjustment (BZA) or approve development variances that are required by the project design.

10. The present modification is requested so as to include adjacent land acquired by the closing of public alleys pursuant to D.C. Law 10-92, which increases the area of the PUD site from the original area of 28,826 square feet to 30,735 square feet.
11. The uses proposed in the present modification do not significantly change the uses approved in Zoning Commission Order No. 618-A and still call for the inclusion of 36 apartment units, as well as the Divisional Headquarters for the applicant. The present modification only slightly modifies the project's approved development envelope, but results in a significant improvement in the project's architecture and urban design.
12. The present modification places the residential portion of the project in a single facility located on 5th Street, N.W., which is the more residential street surrounding the subject site. Concurrently, the office component of the project is reoriented to 6th Street, N.W., which is a major arterial road, running one-way northbound, and is more commercial in character.
13. The present modification increases the building height to 77.3 feet (with a penthouse of 17.6 feet). The percentage of lot occupancy is 68 percent, and 20 percent of the gross floor area of the proposed plan is devoted to recreation space. The proposed modification includes an underground parking structure for 87 spaces, with parking and loading access from 6th Street, N.W.
14. The office component of the modified PUD will continue to serve as the Divisional Headquarters for The Salvation Army for the District of Columbia, Virginia and Maryland.
15. The residential component of the modified PUD will consist of 36 apartment units, which will be used as transitional housing for homeless women with children. Social service and counseling offices are also proposed to be located in the complex of the modified PUD.
16. A representative of The Salvation Army testified that the provision of the 36 apartment units will significantly increase the present accommodations for women and children now available through The Salvation Army in the District of Columbia. The applicant further testified that it has, and will continue, to work closely with the District's Department of Human Services, as well as other providers in the neighbor-

hood and in the broader community. The applicant testified as to its commitment to the District of Columbia, as well as to neglected women and children, and believes that the community is in dire need of this service.

17. A representative of The Salvation Army further testified that it had the funds available to start the project with regard to the transitional housing and wanted to get the project started to provide this service to the District of Columbia as soon as practical. Thus, the applicant testified that the phasing would occur with the residential component being built first, with the Divisional Headquarters proceeding shortly thereafter. The applicant believes that it could commit to starting Phase II within five years of the completion of the residential component.
18. The project architect testified on behalf of the applicant as an expert in architecture and planning. The architect testified that the modified PUD furthers the Urban Design Element of the Comprehensive Plan. He explained that the architecture of the structure, along with its streetscape and landscaping plan, will contribute significantly to the general character of the vicinity by strengthening the visual quality of this portion of the Massachusetts Avenue corridor and the Mt. Vernon Square area. The architect stated that there were four reasons for the proposed changes:
 - (a) that the residential uses were more appropriate to the 5th Street corridor;
 - (b) that loading and parking would be more appropriate on the commercial 6th Street side of the site;
 - (c) that the guest rooms should be located in the residential tower; and
 - (d) that the street wall on Massachusetts Avenue needed to be redesigned to be more in keeping with the District's streetscape provisions.
19. The project architect also testified as to the building design and development parameters, the applicant's signage program and the building's material finishes. He also stated that the apartments were true apartments slightly under market sizes, between 500-800 square feet, with one and two bedrooms. He further testified as to the phasing of the project, with the entire underground structure being built in conjunction with the residential portion first, followed by the building of the Divisional Headquarters in the second phase.

20. The project architect also testified as to how the wall between Phase I and Phase II would be handled prior to completion of both phases. Dryvit materials in colors and configuration would be used to simulate the real materials on the other facades during the interim basis.
21. The applicant's transportation and traffic engineer, recognized as an expert by the Commission, testified that the project has no adverse transportation impact on the surrounding neighborhood and that the proposed changes with the re-orientation of the parking and loading to 6th Street, N.W. would actually improve the transportation network around the subject site. He testified that the new site plan, with access from 6th Street, a one-way northbound street, for both the parking garage and the loading berth, actually presents a better access and circulation plan for the proposed facility than the one approved in Zoning Commission Order No. 618-A. He testified that he had direct contact with the Department of Public Works (DPW) and DPW concurred with his findings.
22. The District of Columbia Office of Planning (OP), by memorandum dated October 2, 1995 and by testimony presented at the public hearing, recommended that the application be approved. OP's analysis and comments are summarized as follows:

"The PUD site is located in an area designated on the General Land Use Map of the Comprehensive Plan as appropriate for mixed use, high density commercial and high density residential development. The Zoning Commission previously found that the project's overall provision of on-site housing for low income people and its related social service programs weigh heavily in the public interest. The Office of Planning is of the opinion that this finding would continue to apply to the applicant's current proposal, particularly given the proposed increase in residential FAR."

23. OP further testified as follows:
 - (a) The current request continues to substantially meet all the requirements of the original approvals with minor exceptions effecting the project's FAR, height, lot occupancy and on-site parking.
 - (b) The modified plans continue to incorporate the major elements of the original PUD, including the provision of ample open space, landscaping, a substantial residential component, office space, adequate on-site parking and space for social services programs.

- (c) The new building design responds well to both the orthogonal grid pattern of 5th, 6th and K Streets and radial pattern of Massachusetts Avenue.
 - (d) The proposal would comprise three distinguishable yet integrated components with the office component aligned along 6th Street, the eight-story residential component aligned along 5th Street, and a multi-purpose three-story component fronting on Massachusetts Avenue, with all components wrapped around a central landscaped and secured courtyard.
 - (e) The current PUD modification responds satisfactorily to the intent, purposes and requirements of the PUD process and the proposed modification maintains all of the amenities that were provided in the previous PUD originally approved by the Zoning Commission, including employment opportunities, economic development in the area of the site, additional housing opportunities, social service programs, quality urban design, and physical benefits for the city in the form of additional revenues from property and income taxes.
 - (f) OP found that the project's new design would contribute positively to the general character of the area and that the proposal would not be inconsistent with the Comprehensive Plan.
- 24. The District of Columbia Fire Department, by memorandum dated August 30, 1995, reported that it had no objection to the application.
 - 25. The District of Columbia Metropolitan Police Department, by memorandum received on September 22, 1995, reported that it had no objection to the proposed development.
 - 26. Advisory Neighborhood Commission (ANC) 2C did not participate in the public hearing nor did ANC 2C submit a written report in the record, for the Commission to consider.
 - 27. There were no persons in support or in opposition to the proposal at the hearing.
 - 28. The Commission concurs with the recommendation and position of the Office of Planning. The Commission finds that the proposed PUD modifications are appropriate and that the applicant has satisfied the intent and purposes of Chapter 24 of 11 DMCR.

29. The Commission recognizes that the residential component of the modified PUD is less than what would be required for the site under the Downtown Development District Regulations. The Commission, however, finds that the provision of on-site housing for low income persons and the social services provided by the project weigh heavily in the public interest.
30. The proposed action of the Zoning Commission to approve the application with conditions, was referred to the National Capitol Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self-Government and Governmental Reorganizational Act. NCPC, by report dated February 1, 1996, indicated that the proposed action of the Zoning Commission to approve the PUD modification, with conditions, would not adversely effect the federal establishment or other federal interests in the National Capital and not be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The planned unit development process is an appropriate means of controlling the development of the subject site, because control of the use of the site is essential to assure compatibility with the neighborhood and achieve the goals and policies of the city.
2. The development of the PUD, as modified, carries out the purposes of 11 DCMR 2400 and the Zoning Act to encourage the development of well-planned residential, institutional, commercial and mixed-use developments, which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter of right development.
3. The development of this PUD, as modified, is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. The approval of this application is not inconsistent with the Comprehensive Plan for the National Capital, as amended.
5. The application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and assure neighborhood stability.
6. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the text and map of the Zoning Regulations.

Z.C. ORDER NO. 618-C
CASE NO. 95-3/90-8M/88-23C
PAGE NO. 8

7. ANC 2C did not participate in this modification application.
8. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of this application for modification to the PUD approved by Z.C. Order Nos. 618, 618-B and 618-C for Lots 14, 19-21, 800-804, 807-810, 824, 825 and 828-830, and the public alleys closed pursuant to D.C. Law 10-92 in Square 484 located on the north side of Massachusetts Avenue, between 5th and 6th Streets, N.W. Zoning Commission Order Nos. 618, 618-B and 618-C are hereby amended as follows:

1. The planned unit development (PUD) site shall be developed in accordance with the plans prepared by the architectural firm of Shalom Baranes Associates, dated August 17, 1995, marked as Exhibit No. 19-B of the record, as modified by the guidelines, conditions and standards of this order.
2. The project shall be a mixed-use office/residential building to be used as the Divisional Headquarters of The Salvation Army.
3. The total floor area ratio (FAR) of the PUD shall be 3.43, of which 1.84 shall be devoted to office use and 1.59 FAR shall be devoted to residential use.
4. The height of the building shall not exceed 77.3 feet, and the lot occupancy shall not exceed 70 percent.
5. The project shall contain a minimum of 87 on-site parking spaces.
6. Loading areas, driveways and walkways shall be located on the site.
7. Landscaping shall be provided as shown on Exhibit Nos. 3, 19A and 19B of the record.
8. Signage shall be discrete in design and located on the PUD project, as shown on Exhibit Nos. 19A and 25 of the record.
9. The applicant shall have flexibility with respect to the following:

- a. Varying the location and design of all interior components, including partitions, slabs, doors, hallway columns, stairways, location of elevators, electrical and mechanical rooms, provided that the variations do not change the exterior configuration of the building including the penthouse; and
 - b. Vary the location and types of parking spaces provided and other modifications to the below grade space to accommodate the needs of the applicant and handicapped persons and required structural and mechanical building elements; and
 - c. Varying the final selection of exterior materials within the color ranges and material types as proposed, based on availability at the time of construction.
10. The PUD may be constructed in two phases with the construction of Phase II to begin no later than five years after completion of Phase I.
11. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulation Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use the property in accordance with this Order, and amendments thereto, of the Zoning Commission.
12. The Office of Zoning shall not release the record of this case to the Zoning Regulations Division/DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission.
13. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, application must be filed for building permit as specified in subsection 11 DCMR 2407.1. Construction shall start within three years of the effective date of this Order.
14. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267, of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to

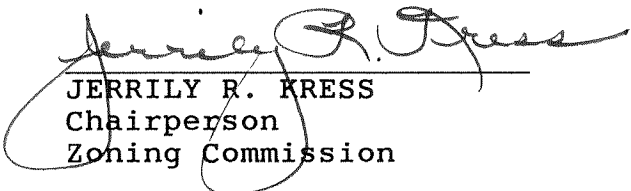
Z.C. ORDER NO. 618-C
CASE NO. 95-3/90-8M/88-23C
PAGE NO. 10


require the Zoning Regulations Division of DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

Vote of the Zoning Commission taken at the public hearing on October 12, 1995: 3-0 (Maybelle Taylor Bennett, William L. Ensign and Jerrily Kress, bench decision to approve with conditions; John G. Parsons, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its public meeting on February 12, 1995, by a vote of 3-0: (Maybelle Taylor Bennett, William L. Ensign and Jerrily R. Kress, to approve; John G. Parsons, not voting, not having participated in the case).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is on MAR 29 1996.


JERRILY R. KRESS
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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